



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Advanced Health Systems--Reconsideration  
File: B-227779.2  
Date: August 27, 1987

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### DIGEST

1. Protest of cancellation of a solicitation must be filed within 10 working days after the basis for protest was or should have been known.
2. The fact that a firm is new to government contracting does not warrant considering an untimely protest.

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### DECISION

Advanced Health Systems requests that we reconsider our July 22, 1987, dismissal of the firm's protest against the cancellation of request for proposals (RFP) No. F41800-86-R-7314, issued by the Department of the Air Force for a family advocacy and program evaluation system at Fort Sam Houston, Texas. Advanced Health submitted the only offer in response to the RFP. We dismissed the protest because, as provided in section 21.2(a)(2) of our Bid Protest Regulations, 4 C.F.R. part 21 (1987), we do not consider protests filed in our Office more than 10 working days after the date the basis for protest first was known.

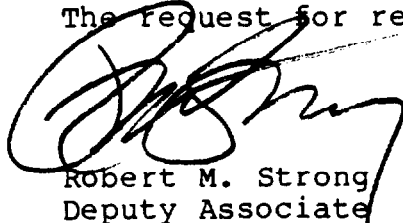
Advanced Health requests that we reconsider on the ground that it was protesting the cancellation of a solicitation, rather than the award of a contract, which, the firm suggests, renders section 21.2(a)(2) of our Regulations inapplicable. That fact is not relevant, however. An agency's cancellation of a solicitation on which a protester was the only offeror is clearly an action that is prejudicial to the firm's position and, therefore, if perceived by the offeror to have been improper, constitutes a basis for protest under section 21.2(a)(2). As Advanced Health concedes that its protest was filed in our Office beyond the requisite timeframe, we dismiss the request for consideration as to this issue.

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Advance Health further argues that the 10-day filing requirement should be waived in its favor in the interest of fairness since it is new to government contracting.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and seldom used. The only exceptions to our Regulations' timeliness requirements are where there was good cause for the untimely filing (some compelling reason beyond the protester's control prevented the protester from filing a timely protest) or a significant issue (one of widespread interest to the procurement community that has not been considered before) is involved. See 4 C.F.R. § 21.2(c). Neither is the case here.

The request for reconsideration is dismissed.



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